

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

United States District Court
Southern District of Texas
FILED

CRIMINAL COMPLAINT

Rafael BUENTELLO, 1953 (USA)
David BAZAN JR, 1995 (USA)
Orlando SOLIS, 1996 (USA)JUL 08 2020
David J. Bradley, Clerk

Case Number: M-20-1336 -M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my

knowledge and belief. On or about 07/07/2020 in Starr County, inthe Southern District of Texas the defendant(s)

(Track Statutory Language of Offense)

21 USC 846 - Conspiracy to Commit Possession with Intent to Distribute knowingly and intentionally conspire to possess with the intent to distribute a controlled substance, approximately 48 kilograms of methamphetamine a schedule II substance.

in violation of Title 21 United States Code, Section(s) USC 846I further state that I am a(n) DEA Special Agent and that this complaint is based on the following facts:

See attached affidavit.

Continued on the attached sheet and made a part of this complaint:

Yes ☒ No

Approved by: AUSA Patricia Cook Profit

Submitted by reliable electronic means, sworn to and attested
to telephonically per Fed. R. Cr. P. 4.1, and probable cause found on:

July 8, 2020 - 4:30 p.m.

Juan F. Alanis, U.S. Magistrate Judge
Name and Title of Judicial Officer

/s/ Benjamin Weightman

Signature of Complainant

Benjamin Weightman DEA Special Agent

Signature of Judicial Officer

Affidavit

On Tuesday, July 7, 2020 at approximately 6:25 PM Deputy Raul Garcia, of the Starr County Sheriff's Office in the state of Texas, was travelling east near San Antonio Street in Rio Grande City, Texas. Deputy Garcia observed a grey Dodge Dakota 2-door pick-up truck (bearing Texas registration MWG-5274 registered to David BAZAN Jr), followed by a silver Chevrolet pick-up truck (Bearing Texas registration LLM-4375 registered to Raudel SOLIS, the brother to Orlando SOLIS) and a black Chevrolet pick-up truck. All three vehicles turned north on Avasolo Road. As they approached the intersection of Flores Street and Avasolo Road, the silver Chevrolet Silverado began to place itself between the Dodge Dakota and the Deputy's vehicle, attempting to obstruct the view of the deputy. At this point, the black Chevrolet Silverado was behind the Deputy's vehicle.

As all three vehicles approached Eisenhower street the black Chevrolet Silverado turned west on Eisenhower street at a high rate of speed, disregarding a red traffic signal, the Dodge Dakota and the silver Chevrolet Silverado continued north on Flores Street. The black Silverado was attempting to have the deputy stop it, a common tactic used by drug traffickers to avoid law enforcement from pulling over the vehicle that is laden with narcotics. The Dodge Dakota and Silver Chevrolet Silverado continued in tandem as they turned north on 755 Loop. At this point the Silver Chevrolet Silverado began to conduct an unsafe lane change in attempts to divert the attention of Deputy Garcia. The Deputy observed this behavior, based on his training and experience, as a commonly used maneuver by drug traffickers to divert the attention away from a vehicle being utilized to transport narcotics. Upon approaching the intersection of 755 and El Tanque Road, the Deputy observed the grey Dodge Dakota turn onto El Tanque and failed to signal within one-hundred feet, a Texas traffic violation, while the silver Chevrolet Silverado continued to travel north on 755. Deputy Garcia radioed to nearby units to be on the lookout for the silver Chevrolet.

Deputy Garcia then conducted a traffic stop on the Dodge Dakota. Upon approaching the vehicle the Deputy observed two camouflage backpacks in the back bed area of the grey Dodge Dakota and a smelled a strong odor of marijuana emitting from inside the vehicle. Upon speaking with the driver and sole occupant, identified as Rafael BUENTELLO Jr., he advised to the Deputy in Spanish language "Me mandaron al dejar la troca en un rancho, pero me perdi, and la troca no es mia y no se lo que trai". English translation: "They sent me to leave the truck in a ranch, but I got lost, the truck is not mine, I don't know what is in it." Deputies asked for consent to search to vehicle, to which BUENTELLO provided the consent. A search of the vehicle resulted in the finding of 45 bundles of methamphetamine wrapped in grey tape weighing approximately 48 kilograms within three (3) separate camouflage backpacks.

Several minutes after the traffic stop with BUENTELLO, another Deputy was able to locate the silver Silverado and conducted a traffic stop on that vehicle. The driver of the vehicle was identified as Orlando SOLIS and the two passengers were identified as Joyce GARCIA and David BAZAN Jr. All three subjects were detained and transported to the Starr County Sheriff's Office.

The Starr County Sheriff's Office then contacted DEA Special Agent (SA) Patrick Zaruba and advised him of the incident and requested assistance.

DEA SA's Patrick Zaruba and Benjamin Weightman along with DEA Task Force Officer (TFO) Joseph Lucio responded to the Starr County Sheriff's Office arriving at approximately 8:00 pm.

Once at the Sheriff's Office agents advised BUENTELLO of his Miranda Rights to which he advised he understood and was willing to speak to agents. BUENTELLO advised Agents that individual who he knew as "SHORTY" arrived to his residence and ask BUENTELLO if he would be willing to drive a vehicle and make \$400.00. BUENTELLO advised he believed the vehicle would be loaded with marijuana and agreed to transport the vehicle because he needed the money. BUENTELLO further advised that SHORTY and his girlfriend picked BUENTELLO up at his residence and drove him to El Tigre gas station located in Rio Grande City, Texas. BUENTELLO stated the vehicle that he was picked up in was a grey Dodge single cab. BUENTELLO advised when they arrived at the gas station, BUENTELLO entered the store and then returned to the vehicle where he observed three green backpacks (one in the front seat and two in the bed of the truck), of which BUENTELLO stated he believe contained the marijuana. BUENTELLO advised SHORTY instructed BUENTELLO to drive the vehicle to the area of El Tanque. BUENTELLO stated he was traveling toward El Tanque Road when he believed he made a wrong turn and ended up getting pulled over by the police. BUENTELLO was shown a photograph of David BAZAN Jr. and Joyce GARCIA to which BUENTELLO positively identified BAZAN as SHORTY and GARCIA as being BAZAN's girlfriend who had picked him up and drove him to the gas station.

Agents attempted to interview BAZAN, SOLIS, and GARCIA however they invoked their right to counsel.

On July 8, 2020, SA's Benjamin Weightman, Patrick Zaruba, and DEA TFO Joseph Lucio reviewed surveillance footage from El Tigre Convenience Store located in Rio Grande City, Texas, incident to where BUENTELLO previously stated to agents the narcotics were loaded into the Dodge Dakota.

Agents observed the grey Dodge Dakota arrive at a gas pump at El Tigre but never saw any exchange of narcotics, instead agents observed BUENTELLO get into the passenger seat of the Dodge Dakota and the vehicle proceeded to travel northbound, in the direction of Orlando SOLIS' property.

On July 8, 2020 SA's Benjamin Weightman, Patrick Zaruba, and DEA TFO Joseph Lucio read BUENTELLO his Miranda rights in his preferred language of Spanish at the Edinburg Police Department. BUENTELLO stated he understood his rights and was willing to speak to agents without the presence of an attorney. Agents questioned BUENTELLO regarding the exchange of narcotics at El Tigre never occurring. BUENTELLO confessed to agents the exchange did not take place at the El Tigre, but actually took place at a property, later identified to be the property of Orlando SOLIS. BUENTELLO implicated SOLIS as one of the persons that helped David BAZAN Jr. load the backpacks that contained narcotics into the Dodge Dakota. BUENTELLO stated that BAZAN and SOLIS followed him as he left SOLIS' property.

BUENTELLO positively identified SOLIS by a photograph provided by agents. BUENTELLO also identified the property of SOLIS' by a photograph provided by agents.

Orlando SOLIS' latent fingerprints have been positively identified on four (4) separate vehicles that were recovered by the United States Border Patrol pursuant to foiled narcotics smuggling attempts April 19, 2018 and December 3, 2019 totaling 1029.5 kilograms of marijuana.

On March 10, 2020 US Border Patrol seized a 2005 Jeep SUV suspected in being used in narcotic or alien smuggling. Latent prints developed from the Jeep were identified as matching to Orlando SOLIS.